

REMARKS/ARGUMENTS

Claims 1-57 were pending. Claims 1, 8, 9, 12, 20, 26, 27, 29, 37, 43, 44, 46, 49 and 55 have been amended, claims 7, 11, 19, 28, 34, 36, 45, 53, 54 and 56-57 have been canceled, without prejudice, and new claims 58- 62 have been added. Therefore, upon entry of this amendment, which is respectfully requested, claims 1, 6, 8-10, 12-18, 20-27, 29-33, 35, 37-44, 46-52, 55 and 58-62 will be pending.

Claims 1-13, 16-30, 33-47 and 50-55 were rejected under 35 USC §103 as being obvious over Weingardt et al., US Patent No. 5,275,400 (hereinafter "Weingardt"), in view of Walker et al., US Patent No. 6,086,477 (hereinafter "Walker '477").

Claims 14, 15, 31, 32, 48 and 49 were rejected under 35 USC §103 as being obvious over Weingardt in view of Walker '477 and further in view of Walker et al., US Patent No. 6,277,972 (hereinafter "Walker '972").

Although Applicants respectfully traverse these rejections, Applicants have amended the claims to expedite prosecution and to more particularly point out an aspect of the invention. It is also believed that the cited references fail to teach or suggest limitations of the claims as now pending. In particular, it is believed that the cited references fail to teach or suggest "wherein tokens are credited or debited to the at least one token account at each of a plurality of payout events associated with the game, each payout event having an associated payout value in tokens and an odds of occurrence, wherein for each payout event, the payout value multiplied by the odds of occurrence produces a yield per token bet, wherein a total of the yields per token bet for all payout events is greater than one, and wherein one or more payout events have a token payout value that is less than a number of tokens bet and wherein said one or more payout events have a combined odds of occurrence of greater than 50 percent" as recited in independent claims 1, 20 and 37. Support for these amendments can be found in the specification, for example, at page 12, line 14 to page 15 line 7, and at page 17, line 2 to page 18, line 4, and in particular the payout tables presented therein. Thus, the presently claimed invention is directed to a game that provides a clear sense of risk and suspense to players because

they will lose a wager more than half the time, yet they still receive a statistically positive return of tokens.

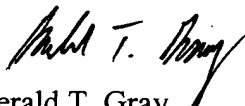
It is also believed that the cited references fail to teach or suggest the limitations of new independent claim 61. In particular, it is believed that the cited references fail to teach or suggest the limitations of "gambling game apparatus providing a statistically positive token return to the players" and "a module, coupled to the at least one token account, for converting tokens into entries for one or more prize drawings" as recited therein. With further regard to dependent claim 62, it is believed that the cited references do not teach the limitations therein for similar reasons presented as above regarding claims 1, 20 and 37.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,


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